

New claim 24 replaces claim 10 submitted with the First Amendment.

New claims 25-28 respectively replace claims 11-14 submitted with the First Amendment.

B. Rejections under 35 U.S.C. 103:

1. Claims 1, 4-8, and 10:

These claims were rejected under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Hunt, Battistella and Buhot et al. These claims have been replaced by new claims 15, 18-22 and 24, respectively, and this rejection will be discussed relative to these new claims.

Claim 15 is an independent claim and claims 18-22 and 24 are dependent from claim 15.

Claim 1 defines a combination of a flexible sheet and a "carrying case integral with said flexible sheet" including a "flexible carrying case reversible from a transport and storage mode to a use mode by pulling said carrying case inside out", the carrying case having an inner surface, "a portion of said inner surface of said case being permanently attached to said sheet at a location inwardly of said first end of said sheet and between said first and second longitudinal edges of said sheet", the "carrying case wholly containing said sheet within said carrying case in said transport and storage mode" and "adapted to allow deployment of said sheet by reversing said carrying case into said use mode, whereby when said carrying case is reversed into said use mode said

open first end of said carrying case faces one of said longitudinal edges of said sheet and said outer surface of said carrying case forms the inner surface of a pillow case".

The primary reference of Wade does not describe any of the following elements of claim 15:

1. The "flexible sheet" of Wade is not attached (either permanently or impermanently) to the inner surface of her "carrying case". The "flexible sheet" of Wade is attached to a piece of cloth extending from Wade's "carrying case".

2. The "flexible carrying case" of Wade is not reversible from a transport and storage mode to a use mode by pulling her carrying case inside out. Wade clearly just pulls out her "flexible sheet" from her "carrying case"; there is no reversal of Wade's "flexible carrying case" involved in deploying her "flexible sheet" for use.

3. The "carrying case" of Wade is not attached to her "flexible sheet" at a first end of the sheet between the first and second longitudinal edges thereof. Wade's "carrying case" is located at the end of her "flexible sheet".

4. Wade's "carrying case" does not have an open end facing one of the longitudinal edges of her "flexible sheet". The open end of Wade's "carrying case" faces the end of her "flexible sheet".

5. Wade's "carrying case" does not form a pillow case. Wade's carrying case hangs down over the back of a lounge chair. In addition, the outer surface of Wade's carrying case does not form

the inner surface of a pillow case.

The secondary references of Hunt, Battistella and Buhot et al were cited by the Examiner to remedy Wade's lack of a teaching of locating the carrying case inwardly of the first end of the sheet and the open end of the case facing a longitudinal edge of the sheet. These references are pertinent, if at all, only to the third and fourth deficiencies discussed above, and have nothing to do with the first, second and fifth deficiencies. It is submitted that even with regard to the third and fourth deficiencies, it is clear that the citation of three secondary references has to involve a hindsight use of Applicants' own disclosure to create a mosaic of references which, by themselves, have no internal teaching as to why they should be combined. Clearly such an analysis of patentability is improper under numerous cases.

It is submitted that newly submitted independent claim 15 contains numerous elements not described in the Wade, Hunt, Battistella and Buhot et al. references, either alone or in combination, and a rejection of claim 15 based on these references would not be sustainable.

Claims 18-22 and 24 are dependent upon claim 15 and, therefore, contain all of the elements recited in claim 15. Since Wade, Hunt, Battistella and Buhot et al. fail to describe many of these elements, as discussed above relative to claim 15, a rejection of these claims based on these references would likewise not be sustainable.

2. Claims 2 and 3:

These claims were rejected under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Hunt, Battistella and Buhot et al., and further in view of Silverstri.

The Silverstri reference was cited by the Examiner to allegedly show a slip cover pocket at an upper end of a sheet.

Originally filed claims 2 and 3 were dependent from claim 1. Claim 1 has been replaced by claim 15 and claims 2 and 3 replaced by claims 16 and 17 and are dependent from claim 15. Since claims 16 and 17 contain all of the elements of claim 15, and since claim 15 patentably distinguishes over Wade, Hunt, Battistella and Buhot et al. for the reasons given above, and since Silverstri does not supply any of these deficiencies, claims 16 and 17 are clearly patentable over this combination of five references.

3. Claim 9:

This claim was rejected under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Hunt, Battistella and Buhot et al., and further in view of Terrazas.

Terrazas was cited to show use of a waterproof sheet. Originally filed claim 9 was dependent from claim 1. Claim 1 has been replaced by claim 15 and claim 9 replaced by claim 23 and is dependent from claim 15. Since claim 23 contain all of the elements of claim 15, and since claim 15 patentably distinguishes over Wade, Hunt, Battistella and Buhot et al. for the reasons given above, and since Terrazas does not supply any of these deficiencies, claim 9 is clearly patentable over this combination

of five references.

4. Claims 11-14:

Claims 11-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wade in view of Hunt, Battistella, Buhot et al and Silvestri.

The Silverstri reference was cited by the Examiner to allegedly show a slip cover pocket at an upper end of a sheet.

Claim 11 was an independent claim that has been replaced by independent claim 25. Claims 12, 13 and 14 were dependent from claim 11 and have been replaced by claims 26, 27 and 28 all of which are dependent from claim 25.

Independent claim 25 contains all of the elements of claim 15 and, in addition, recites a slip cover pocket located at a first end of the sheet and at least one pocket located adjacent at least one of the longitudinal edges of the sheet.

Since claim 25 contains all of the elements of claim 15, and since claim 15 patentably distinguishes over Wade, Hunt, Battistella and Buhot et al. for the reasons given above, and since Silverstri does not supply any of these deficiencies, claim 25 is clearly patentable over this combination of five references.

Likewise, claims 26 and 27 contain all of the elements of claim 25 and are, for the same reasons, clearly patentable over this combination of five references.

C. Conclusion:

For the reasons set forth above it is submitted that newly submitted claims 15-28 are clearly patentable over the cited references, and an early Notice of Allowability is requested.

Respectfully submitted,



Robert E. Howard
Registration No. 22,437
(541) 686-4355

EXHIBIT A

Please enter the following new claims 15-28:

Sub C
15. (new) A combination of a flexible sheet usable as a towel or blanket and a carrying case integral with said flexible sheet comprising:

a flexible, rectangular sheet having first and second ends and first and second longitudinal edges; and

B
a flexible carrying case reversible from a transport and storage mode to a use mode by pulling said carrying case inside out, said carrying case having first and second ends, said carrying case being open at said first end and closed at said second end, said carrying case in said transport and storage mode having an outer surface and an inner surface, a portion of said inner surface of said carrying case being permanently attached to said sheet at a location inwardly of said first end of said sheet and between said first and second longitudinal edges of said sheet, said carrying case wholly containing said sheet within said carrying case in said transport and storage mode, said carrying case (adapted to allow deployment of said sheet by reversing said carrying case into said use mode, whereby when said carrying case is reversed into said use mode said open first end of said carrying case faces one of said longitudinal edges of said sheet and said outer surface of said carrying case forms the inner surface of a pillow case.)

16. (new) The combination of claim 15 including a slip cover pocket located at said first end of said sheet, said slip cover being configured to be placed over that end of a lounge chair adapted to receive a user's torso.

17. (new) The combination of claim 16 including a second slip cover pocket located at said second end of said sheet, said second slip cover pocket being configured to be placed over the other end of said lounge chair.

B 18. (new) The combination of claim 15 including at least one pocket located adjacent each of said longitudinal edges of said sheet.

19. (new) The combination of claim 18 wherein said pockets are all located substantially on said longitudinal edges of said sheet and extend away from said sheet.

20. (new) The combination of claim 18 wherein said pockets are all located inwardly of said longitudinal edges of said sheet.

21. (new) The combination of claim 15 including carrying means attached to said case adjacent said open end.

22. (new) The combination of claim 21 wherein said carrying means is a strap.

23. (new) The combination of claim 15 including a waterproof sheet attached to the bottom side of said flexible sheet, said waterproof sheet being substantially the same size as said flexible sheet.

24. (new) The combination of claim 15 including a flap extending from said rear wall adjacent said open first end of said case, said flap adapted to be secured to said front wall of said case by fastener means when said sheet is stuffed inside said case for transport and storage.

25
lit
27
25 (new) A combination of a flexible sheet usable as a towel or blanket and a carrying case integral with said flexible sheet comprising:

a flexible, rectangular sheet having first and second ends and first and second longitudinal edges; and

a flexible carrying case reversible from a transport and storage mode to a use mode by pulling said carrying case inside out, said carrying case having first and second ends, said carrying case being open at said first end and closed at said second end, said carrying case in said transport and storage mode having an outer surface and an inner surface, a portion of said inner surface of said carrying case being permanently attached to said sheet at a location inwardly of said first end of said sheet and between said first and second longitudinal edges of said sheet, said carrying case wholly containing said sheet within said carrying case in said transport and storage mode, said carrying case (adapted

to allow deployment of said sheet by reversing said carrying case into said use mode, ~~whereby~~ when said carrying case is reversed into said use mode said open first end of said carrying case faces one of said longitudinal edges of said sheet and said outer surface of said carrying case forms the inner surface of a pillow case;

a slip cover pocket located at said first end of said sheet, said slip cover being configured to be placed over that end of a lounge chair adapted to receive a user's torso; and

at least one pocket located adjacent at least one of said longitudinal edges of said sheet.

B 26. (new) The combination of claim 25 including a second slip cover pocket located at said second end of said sheet, said second slip cover pocket being configured to be placed over the other end of said lounge chair.

27. (new) The combination of claim 25 including carrying means attached to said case adjacent said open end.

28. (new) The combination of claim 25 including a flap extending from said rear wall adjacent said open first end of said case, said flap adapted to be secured to said front wall of said case by fastener means when said sheet is stuffed inside said case for transport and storage.



Robert E. Howard
PO Box 10345
Eugene, OR 97440-2345

November 17, 2001

Assistant Commissioner for Patents
Box RCE
Washington, D.C. 20231

Re: Application of TINA MARIE NIELSEN, et al.
Serial No. 09/591,539 filed 6/9/00

Sir: Please acknowledge receipt of the attached transmittal letter dated 11/17/01, Fee form PTO/SB/30, check in the amount of \$370, and Second Amendment by placing your mailroom stamp hereon and mailing this card.

Respectfully,